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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,058	08/27/2003	Gurtej S. Sandhu	MICS:0099	4945

7590 01/25/2005
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EXAMINER

PHAM, LONG

ART UNIT PAPER NUMBER

2814

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/649,058	Applicant(s) SANDHU, Gurtej S.	
	Examiner Long Pham	Art Unit 2814	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 26-35 is/are pending in the application.
4a) Of the above claim(s) 11-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 26-35 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08/27/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Labeled drawings.

DETAILED ACTION

General Information

The labeled drawing sheet(s) of the present invention are attached to show examiner's understanding of the disclosed and claimed inventions.

Election/Restrictions

1. Applicant's election with traverse of claims 1-10 and 26-35 in the reply filed on 12/06/04 is acknowledged. The traversal is on the ground(s) that see the election paper of 12/06/04. This is not found persuasive because the unpatentability of generic claim 1 does not imply unpatentability of claim 11.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

2. Figure 4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen et al. (US 5,714,766).

With respect to claim 1, Chen et al. teach a vertical tunneling transistor, comprising (see fig. 6 and associated text):

a channel 26 disposed on a substrate 20;

a quantum dot 34, 34', or 34'' disposed so that the channel is between the quantum dot and the substrate;

a gate 16 is disposed so that the quantum dot is between the gate and the channel; and

wherein an axis through the channel, quantum dot, and the gate is substantially perpendicular to an upper surface of the substrate.

With respect to claim 2, Chen et al. further teach a source 18 disposed on the substrate adjacent to the channel. See fig. 6 and associated text.

With respect to claim 3, Chen et al. further teach a drain 14 disposed on the substrate adjacent to the channel. See fig. 6 and associated text.

With respect to claim 4, Chen et al. further teach a tunneling barrier 30, 30', or 30'' disposed between the channel and the quantum dot. See fig. 6 and associated text.

With respect to claim 5, Chen et al. further teach an insulative layer 38 disposed between the quantum dot and the gate. See fig. 6 and associated text.

5. Claims 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen et al. (US 5,714,766).

With respect to claim 26, Chen et al. teach a vertical tunneling transistor, comprising (see fig. 6 and associated text):

a channel 26 disposed on a substrate 20;

Art Unit: 2814

a quantum dot 34,34', or 34" disposed so that an axis through the channel and the quantum dot is substantially perpendicular to the substrate; and a gate 16 is disposed so that an axis through the channel, the quantum dot, and the gate is substantially perpendicular to the substrate.

With respect to claims 27, 28, 29, 33, and 35, it is noted that the recited process limitations are not given weight in the patentability determination of present device claims.

With respect to claim 30, Chen et al. further teach a source 18 disposed adjacent to the channel. See fig. 6 and associated text.

With respect to claim 31, Chen et al. further teach a drain 14 disposed adjacent to the channel. See fig. 6 and associated text.

With respect to claim 32, Chen et al. further teach a tunneling barrier 30,30',30". See fig. 6 and associated text.

With respect to claim 34, Chen et al. further teach an insulative layer 38. See fig. 6 and associated text.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullarkey (US 2002/0021158) in combination with Chen et al. (US 5,714,766).

Art Unit: 2814

With respect to claim 6, Mullarkey teaches an integrated circuit device, comprising (see [0007]):

a substrate or wafer 10;

a memory array that includes a plurality memory cells disposed on the substrate, each of the plurality of memory cells comprising a memory element and an access transistor.

However, Mullarkey fails teach that the access transistor is a transistor as recited in present claims 6-10.

Chen et al. teach a transistor as recited in present claims 6-10. See the above rejection.

It would have been obvious to one of ordinary skill in the art of making semiconductor devices to use the transistor as taught in Chen et al. in the device of Mullarkey because the transistor of Chen et al. allows storage of multi-bit word. See col. 2, lines 35-38 of Chen et al.

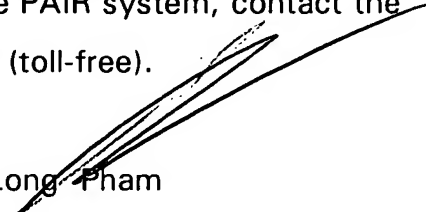
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Long Pham whose telephone number is 571-272-1714. The examiner can normally be reached on M-F, 7:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on 571-272-1705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2814

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Long Pham
Primary Examiner
Art Unit 2814

LP